



Entered on Docket
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
IN WHOLE OR IN PART UPON
INVESTMENT IN THE SHAMROCK
TOWER LP LOAN**

Hearing Date: November 13, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Fourth Omnibus Objection Of USACM Trust To
2 Proofs Of Claim Based In Whole Or In Part Upon Investment In The Shamrock Tower LP
3 Loan [DE 7635] (the “Objection”); the Court having heard the Objection on November 13,
4 2009; appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS ORDERED:**

- 7 1. The Objection [DE 7635] is sustained; and
8 2. The claims listed on **Exhibit A** attached are disallowed to the extent they are
9 based upon an investment in Shamrock Tower LP Loan.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)

15 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

**SHAMROCK LOAN
FOURTH OMNIBUS OBJECTION**

**Exhibit A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Shamrock Tower LP Loan
10725-00137	Tim and Kathleen Partch	Joshua D Brysk Law Offices Of James G Schwartz 7901 Stoneridge Dr Pleasanton, CA 94583	100,000.00	50,000.00
10725-01740	Larry L. and Patsy R. Rieger Revocable Tr Dtd 8/14/91	Larry L. and Patsy R. Rieger Ttees 2615 Glen Eagles Dr Reno, NV 89523	\$2,016,829.00	Unknown
10725-02104	Warren W. Tripp	250 Greg St Sparks, NV 89431	\$1,183,402.50	\$200,000.00
10725-02088	Robert W. Ulm Living Trust Dtd 4/11/05	Robert W. Ulm Ttee 414 Morning Glory Rd St. Marys, GA 31558	\$1,376,330.00	\$100,000.00
10725-02089	Robert W. Ulm	414 Morning Glory Rd St Marys, GA 31558	Contingent and Unliquidated	Unknown